

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL ACTION NO. 2:12-CV-92**

ALMA M. MCCLURE,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

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ORDER

BEFORE THE COURT is Plaintiff's Motion for Attorney Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 (Doc. 18) to which the Commissioner has responded, (Doc. 19). The Commissioner does not oppose Plaintiff's motion. (Doc. 19). For the reasons stated therein, the motion is **GRANTED**.

Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's October 23, 2014 order remanding this case to the Commissioner for further administrative proceedings **IT IS HEREBY ORDERED** that the Court will award attorney's fees in the amount of five thousand, fifty-three dollars and twenty-five cents (\$5,053.25). No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 130 S. Ct. 1251 (2010), these attorney's fees are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing deb Plaintiff

may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would be subject this award of attorney's fees to offset, the Commissioner may honor Plaintiff's April 2, 2010 signed assignment of EAJA fees, providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any attorney's fee to Plaintiff's counsel in accordance with the above agreement.

IT IS SO ORDERED.

Signed: March 16, 2015

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

